

1 Lisa A. McClane  
Nevada State Bar No. 10139  
2 Daniel I. Aquino  
Nevada State Bar No. 12682  
3 **JACKSON LEWIS P.C.**  
300 S. Fourth Street, Suite 900  
4 Las Vegas, Nevada 89101  
Tel: (702) 921-2460  
5 Email: [lisa.mcclane@jacksonlewis.com](mailto:lisa.mcclane@jacksonlewis.com)  
Email: [daniel.aquino@jacksonlewis.com](mailto:daniel.aquino@jacksonlewis.com)

6 *Attorneys for Defendants*

7  
8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 MITCHELL E. HARPER,

11 Plaintiff,

12 vs.

13 NEVADA PROPERTY 1, LLC dba  
COSMOPOLITAN OF LAS VEGAS;  
14 DANIEL ESPINO; ADRIANA KASUNIC,

15 Defendants.

Case No.: 2:19-cv-02069-GMN-VCF

**STIPULATION AND ORDER TO STRIKE  
PLAINTIFF'S COMPLAINT (ECF NO. 1)**

16 IT IS HEREBY STIPULATED by and between Plaintiff Mitchell Harper ("Plaintiff"),  
17 through his counsel HKM Employment Attorneys, LLP, and Defendants Nevada Property 1, LLC  
18 dba Cosmopolitan of Las Vegas, Daniel Espino and Adriana Kasunic ("Defendants"), through their  
19 counsel Jackson Lewis P.C., as follows:

20 1. Plaintiff, appearing in proper person, filed a Complaint on December 3, 2019 (ECF  
21 No. 1), which Defendants assert contains factual allegations with information that is confidential,  
22 scandalous, or otherwise inappropriate for public disclosure. Defendants further assert that Daniel  
23 Espino and Adriana Kasunic are not proper parties to this action.

24 2. Plaintiff retained counsel and, on January 2, 2020, filed an Amended Complaint  
25 (ECF No. 6), which omitted the portions of the original Complaint that Defendant asserts are  
26 inappropriate for public disclosure. The Amended Complaint did not name Daniel Espino and  
27 Adriana Kasunic as defendants. Without agreeing to Defendants' assertions regarding the content  
28 of the original Complaint, Plaintiff has agreed to strike his initially-filed Complaint (ECF No. 1).

1           3.       The parties hereby request that Plaintiff's initially-filed Complaint (ECF No. 1) be  
2 stricken from the public docket and record.

3           4.       The parties hereby request that the case caption be amended to reflect that Daniel  
4 Espino and Adriana Kasunic are no longer defendants, and the sole remaining defendant is Nevada  
5 Property 1, LLC dba Cosmopolitan of Las Vegas.

6           5.       The parties agree that the Amended Complaint (ECF No. 6) shall have the same  
7 force and effect as the initially-filed Complaint (ECF No. 1) with respect to any applicable periods  
8 of limitation. Defendant Nevada Property 1, LLC dba Cosmopolitan of Las Vegas previously  
9 agreed to waive formal service and shall have up to and including February 24, 2020 to file its  
10 responsive pleading to Plaintiff's Amended Complaint (ECF No. 6).

11           6.       Nothing in this stipulation, nor the fact of entering to the same, shall be construed  
12 as waiving any claim and/or defense held by any party.

13           Dated this 7 day of January, 2020.

14           HKM EMPLOYMENT ATTORNEYS, LLP

JACKSON LEWIS P.C.

16           /s/ Jenny L. Foley

JENNY L. FOLEY, ESQ.

Nevada Bar No. 9017

MARTA D. KURSHUMOVA, ESQ.

Nevada Bar No. 14728

1785 East Sahara, Suite 300

Las Vegas, Nevada 89104

*Attorneys for Plaintiff*

16           /s/ Lisa A. McClane

LISA A. MCCLANE, ESQ.

Nevada Bar No. 10139

DANIEL I. AQUINO, ESQ.

Nevada Bar No. 12682

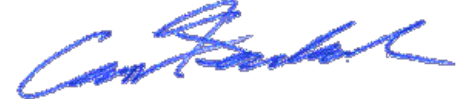
300 S. Fourth Street, Ste. 900

Las Vegas, Nevada 89101

*Attorneys for Defendants*

23           **ORDER**

24           IT IS SO ORDERED:

25           

26           United States Magistrate Judge

27           Dated: 1-8-2020